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March 31, 2016

**VIA ELECTRONIC MAIL (ALCarterNYSDChambers@nysd.uscourts.gov)**

The Honorable Andrew L. Carter, U.S.D.J.  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., Courtroom 17C  
New York, New York 10007-1312

Re: **Hernandez, et al. v. The Fresh Diet, Inc., et al.**  
**12 Civ. 4339 (ALC) (JLC)**

Dear Judge Carter:

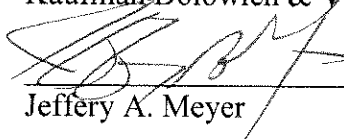
This firm represents the Defendants Late Night Express Courier Services Inc., Judah Schloss, Zalmi Duchman, Syed Hussain, and The Fresh Diet, Inc. ("Fresh Diet") (collectively "Defendants") in the above-referenced matter. We write in response to Plaintiffs' March 28, 2016 letter seeking a pre-motion conference in anticipation of Plaintiffs' motion to enforce the settlement agreement.

Within the past thirty (30) days, as documented by the substitution of counsel that was recently filed by the undersigned (Docket No. 235), Fresh Diet has changed ownership. Due to the change in ownership, which was not anticipated at the time the settlement was negotiated and judicially approved, Defendants are unable to fund the settlement in a single payment as contemplated by the agreement. This firm has kept Plaintiffs' counsel abreast of these changes, as well as its impact on the present settlement.

As Defendants still desire to settle this matter, we communicated a revised payment schedule to Plaintiffs' counsel. Plaintiffs' counsel neither accepted nor rejected the proposal. As we are hopeful that continued discussions between counsel will lead to a mutually acceptable solution, and as Defendants remain committed to the settlement, we respectfully request that the Court deny Plaintiffs' request for a pre-motion conference so the Parties can continue their discussions.

The Court's continued courtesies are appreciated.

Respectfully submitted,  
Kaufman Dolowich & Voluck, LLP

  
Jeffery A. Meyer

cc: Walker Harman, Esq. (via email and ECF)  
Howard Rhine, Esq. (via email and ECF)

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